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specialists, of the authorship of the Pseudotertullian's *Carmen adversus Marcionem*. That poem was first published in 1564, by George Fabricius of Basel, from a manuscript since lost. The text depends on the *editio princeps*.

Hans Waitz makes a strong argument for the identity of the author of *Carmen adversus Marcionem* with Commodian. He divides his treatise into introduction, five chapters, and conclusion. In chap. i he discusses the place and decides, on grounds of linguistic peculiarities (Africanisms) and the Tertullian tradition, that the poem must be African. If so, he shows in chap. ii the time must be the third century. Optatus Milevius says that Marcionitism had died out of Africa before the Donatist controversy. References to persecutions, etc., as well as the general theological and ecclesiastical development witnessed to by the poem, make the third century date certain. The sources used, especially for the list of the Roman bishops, catalogue of heresies, etc., would seem to be those used alike by Tertullian and Irenæus—again a confirmation of the date.

In chap. iv Waitz disposes of the claims to authorship of this poem for Tertullian, Victorinus Afer, and Victorinus of Pettau, and, in chap. v, by an elaborate comparison of language, style, and doctrinal conceptions, determines that the real author is the third-century Christian poet Commodian.

FREDERICK S. ARNOLD.

GRACE CHAPEL.
New York.

DIE KIRCHLICHE GESETZGEBUNG JUSTINIANS, hauptsächlich auf Grund der Novellen. Von LIC. THEOL., GUSTAV PFANNMÜLLER. Berlin: Schwetschke & Sohn, 1902. M. 3.60.

THIS book is a most careful and painstaking collection, from the laws of Justinian, of the ecclesiastical legislation, involving a systematic arrangement of the same. The laws are not quoted *in extenso*. The passages are cited and the content is summed up. The work is very well done and will doubtless be most useful as handbook and guide, as well to those who wish to make a thorough technical investigation of the subject as to those who desire, in conveniently short space, a good view of exactly what Justinian's ecclesiastical legislation was. Attention is given to the state of imperial law on ecclesiastical matters before Justinian's time and to the development up to Justinian, as also to the development, shown by changes in the law introduced by the later *novellae*, within Justinian's reign. The work has three prin-

cial parts, "De rebus sacris," "De personis sacris," and "De episcopali audientia et de diversis capitulis, etc."—of church property, of ecclesiastical persons, of the bishop's jurisdiction, with other chapters appertaining to ecclesiastical affairs, including some local ecclesiastical legislation.

We see how far already in Justinian's time the development of that great body of ecclesiastical privilege and jurisdiction, which in mediæval Europe was to overshadow and seriously to encumber the civil authority, had gone. We see an emperor legislating in the spirit of à Becket and can understand how this was possible only when we realize that his position in ecclesiastical matters was more nearly that of the Tsar of Russia than of Henry II. Beyond Justinian, the immense step was taken, when this ecclesiastical privilege was declared independent, not merely of the subordinate civil authorities, but also of the supreme (royal or imperial) authority and traced back to higher sanctions than the emperor's edicts. Yet that step also was, perhaps, a logical advance from the principles that underlay Justinian's legislation.

The laws *De rebus sacris* show an extraordinary care of the perpetuity of the church's possessions, conceived in the spirit opposite to the English statute of Mortmain. Alienation of the church's real property was, at first, never to be permitted. Real estate could not be conveyed even under the forms of emphyteusis and fee-farm. Restitution and severe penalties were imposed upon both parties who violated this. In his later *novellæ* Justinian found it necessary to mitigate this strictness, in cases where the church had debts that could not be otherwise discharged, but the bishop and the civil magistrate had to decide that each special case came *bona fide* under this exception. The church at Jerusalem was also made an exception, because it had to entertain all the pilgrims of the world. Movables could only be alienated for the redemption of captives.

De personis sacris treats of monks and nuns, of bishops, and of the other clergy, and of deaconesses. Monks and nuns are to be subject to the bishop. Men and women are not to live in the same monastery, which they still did in the ancient British church; if they already are doing so, they shall separate. The law is strict in every way about the separation of the sexes and the confinement of the religious, who are not to wander from their own houses. The freedom of the election of abbots and abbesses is secured. The election is not necessarily to go by seniority. Monks and nuns, as also the clergy, are not liable

for military or civil service or to be made guardians, though the clergy may be executors. On the other hand, no *curialis* or *cohortalis* may become a monk or a clergyman without special permission, and such persons may then become celibate clergymen only. The bishops, but not their clergy, are exempt from the *patriae potestas*. Priests, if married, must be married to virgins, and before ordination. Bishops may not be married. Non-residence of the clergy is legislated against, especially their flocking up to the capital. Provincial synods must be held biennially. Excommunication is restrained, the beginning of a feeling that came out in the constitutions of Clarendon.

The most interesting part of the work is perhaps *De episcopali audientia*. In all purely ecclesiastical cases the bishop has sole jurisdiction. So also, with considerable qualification, in civil cases between clerics and, with consent of the layman, between a cleric and a layman, though at first, here only as arbitrator. In criminal cases the clergy have not yet made good their claim. The bishop has extensive oversight over the civil authority in the cases of charitable and religious bequests, and the care of exposed children, and of orphans, lunatics, and fallen women. These are long steps toward the extravagant ecclesiastical privilege of the Middle Ages, and the great interest of this book lies in the foundation, which it shows was here laid for that superstructure. The student of mediæval church history will find it very valuable.

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GRACE CHAPEL,
New York.

GESCHICHTE DER VANDALEN. Von LUDWIG SCHMIDT. Leipzig: Teubner, 1901. Pp. iv+203. M.5.

THIS monograph upon the history of the Vandals abounds in scholarly research, but is a book to be shunned by the reader sensitive to literary form. The references are either cited in footnotes or embraced by parentheses in the body of the text, with no apparent rule of practice; there are no paragraphs to break the monotony of the page, and there is no index.

After tracing the early history of the Vandals the author proceeds to show the causes which made the Vandal conquest possible. He shows how the Vandals found support in the half-savage tribes around Atlas, and from the sect of the Donatists. But the nature of the Roman rule in Africa as a *foreign* domination is not enough emphasized. The roots of